

## 6.2.5 Response to Petition regarding the Garfield Township Strategy

**Responsible GM:** Lili Rosic  
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### Recommendation(s)

That Council:

- Notes the petition received from the Garfield Action Group.
- Notes that funding for the review of the Garfield Township Strategy will be considered by Council in the preparation of its 22/23 FY budget.
- Notes that development of the Garfield Township Strategy will require and include community engagement. All feedback will be considered by Council prior to finalisation of the Strategy.
- Notes that the two planning applications referred to in the submission will be assessed in accordance with the Planning Scheme under the current legislative controls.
- Thanks the head petitioner for submitting the petition and requests Council Officers write to the head petitioner informing them of Council's resolution.

### Attachments

Nil

### Executive Summary

A petition has been received from the Garfield Action Group requesting that *“Council promptly instigate a review of the Garfield Township Strategy, which has not been updated since 2002”*. The Petition has been signed by approximately 92 people.

The Petition refers to two current planning applications in Garfield, at 41-43 Nar Nar Goon Longwarry Road, and at 50 Railway Avenue, and states that the two applications highlight the lack of consideration for planning in Garfield.

A review of the Garfield Township Strategy is not included in the 21/22 financial year work plan and scheduling will be considered in the development of Council's 22/23 FY budget. The Cardinia Planning Scheme has a number of existing policies, zones and overlays that control and guide development within Garfield and provide a framework for the assessment of planning permit applications.

### Background

The Garfield Township Strategy was adopted by Council in August 2002. It is listed in the Cardinia Planning Scheme as a reference document.

Council has received a Petition from the Garfield Action Group requesting that *“Council promptly instigate a review of the Garfield Township Strategy, which has not been updated since 2002”*.

The petition refers to two current planning applications in Garfield, at 41-43 Nar Nar Goon Longwarry Road, and at 50 Railway Avenue, and states that the two applications highlight the lack of consideration for planning in Garfield.

Specifically the petition requests:

*“that Council promptly instigate a review of the Garfield Township Strategy – which has not been updated since 2002. The community of Garfield wish to be consulted on and included in the process of reviewing and revising (as appropriate) a Garfield Township Strategy which provides and overall framework within which future development in Garfield (and particularly the above two Applications) can be planned and managed.*

*Once this process is carried out, the community should be engaged in and with the new Garfield Township Strategy. This can then provide clarity for the community and parties involved in planning applications for properties in Garfield. Hopefully this would also reduce the likelihood of objections to future applications, so that appropriate development can be processed in a clear and structured manner”.*

The application at 41-43 Nar Nar Goon Longwarry Road is for construction of three (3) additional shops, alterations and partial demolition to Heritage buildings, construction of a dwelling, reduction in car parking requirements and alteration of access to a Road Zone Category 1. This application has been through public advertising. It has received several objections and will be considered for a decision at a future Council meeting (date to be confirmed).

The application at 50 Railway Avenue is for buildings and works associated with the construction of five (5) dwellings. This application has also been through public advertising, received several objections and will also be considered at a future Council meeting (date to be confirmed).

Council has commenced the review of its Hills Township Strategies to ensure appropriate development with the Shire. The Upper Beaconsfield, Emerald, Cockatoo and Gembrook Township Strategies are to be completed in the 23/24 FY. Scheduling of the reviews was based on mitigating the largest risks to Council and the community, for example the impact of the introduction of Clause 53.02 - Bushfire Planning and the Bushfire Management Overlay which changes the way in which the hills township can be considered for development. Reviews of township strategies are undertaken by the Planning Strategy and Urban Design team and can take several years to complete.

Any application received for development within Garfield would need to be assessed under the policy, zones and overlays in the Cardinia Planning Scheme as applicable. Although Council is obliged to accept planning applications if they have all the required supporting documentation, Council needs to decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF), the purpose and decision guidelines of the planning scheme requirements and any other decision guidelines in Clause 65 of the scheme. Planning applications for developments that are not in accordance with Planning Scheme and relevant policies are generally unsuccessful.

Applications for two or more dwellings on a lot are also subject to assessment under Clause 55 (Rescode), which provides a set of objectives to be met, including setbacks, building heights, private open space provision, overlooking, landscaping, and neighbourhood character. These need to be demonstrated in any planning application to be granted a permit of this type.

The two applications currently under consideration in Garfield at 41-43 Nar Nar Goon Longwarry Road, and at 50 Railway Avenue are currently being considered as part of the planning permit application process. The applicants and objectors will be kept informed as the decision-making process continues.

## Policy Implications

There are several current policies within the Cardinia Planning Scheme that guide development within Garfield.

State Planning Policy Framework.

Clause 11.03-1S (Peri-urban areas) provides direction on growth in peri-urban areas, to protect and enhance their identified valued attributes. Strategies to do this include:

- Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.
- Enhance the character, identity, attractiveness and amenity of peri-urban towns

Clause 15.01-1S (Urban design) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. This includes:

- Requiring development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensuring that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Clause 15.01-2S (Building design) is to achieve building design outcomes that contribute positively to the local context and enhance the public realm. This is to be achieved through:

- Ensuring development responds and contributes to the strategic and cultural context of its location.
- Minimising the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Ensuring the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.

Clause 15.03-1S (Heritage conservation) seeks to ensure the conservation of places of heritage significance. This includes:

- Encouraging appropriate development that respects places with identified heritage values.
- Retaining those elements that contribute to the importance of the heritage place.
- Encouraging the conservation and restoration of contributory elements of a heritage place.
- Ensuring an appropriate setting and context for heritage places is maintained or enhanced.

Local Planning Policy Framework

Clause 21.02-6 (Post Contact heritage) seeks to provide for the protection and appropriate management of sites of heritage significance. This includes recognising the significance of

heritage buildings and sites in contributing to the character of townships within the municipality.

Clause 21.03-1 (Housing) seeks to balance the diversity of housing types in rural townships while ensuring consistency with the character of the township, through ensuring residential development and subdivisions are designed to be responsive to existing urban character.

Clause 21.03-4 (Rural townships) recognises Garfield as a large rural township. Key issues for Cardinia Shire's rural townships include:

- Retaining and enhancing existing rural township character
- Setting clear limits for development for the townships.
- Acknowledging that the capacity for growth varies depending on the environmental and infrastructure capacities of each of the towns.
- Designing with regard to the surrounding unique characteristics of the townships

Clause 21.06-1 (Urban design) notes that good design is based on the principle of being site responsive, designing to take into account the character and constraints of a site and wider area. Key issues include recognising design issues in the rural townships including the need to protect and enhance the character and appearance of the town centres and associated sites of cultural and heritage significance.

This is to be achieved by:

- Ensuring that all development considers the character and constraints of the site and wider area.
- Ensuring development contributes to the character, identity and sense of place of the area, particularly in newly developing areas.

Any development within Garfield is also subject to the zone and overlay controls applied through the Cardinia Planning Scheme.

## **Relevance to Council Plan**

### **5.1 We practise responsible leadership**

5.1.1 Build trust through meaningful community engagement and transparent decision-making.

5.1.3 Strive to be a customer focused organisation and be a great place to work.

## **Climate Emergency Consideration**

The existing policies and provisions in the Cardinia Planning Scheme encourage development within the existing township boundary for Garfield. This allows for the efficient use of land and prevents the loss of farmland located outside the township boundary.

## **Consultation/Communication**

A review of the Garfield Township Strategy would include community consultation at relevant stages in the process to seek feedback and input on the strategy and planning scheme amendment to implement it into the Cardinia Planning Scheme.

Planning permit applications are required to be publicly advertised, except where exempt under the Cardinia Planning Scheme.

### **Financial and Resource Implications**

Council officers in the Planning Strategy and Urban Design Department are currently working on several amendments, including several that have been requested by proponents, responses to State Government policy changes and proposed changes to the Cardinia Planning Scheme, as well as the development of other policies.

Undertaking a review of the Garfield Township Strategy would require the preparation of several background reports, including but not limited to a bushfire risk assessment, traffic and transport assessment, economic analysis, and infrastructure review. This information would then be used to develop the Strategy. Community consultation would be undertaken at key stages during development. Once the Strategy is finalised, a planning scheme amendment process will need to be completed. This process would require a budget of approximately \$100,000 for background studies. The Strategy development and amendment process is anticipated to take anywhere from 1-3 years to complete and the final strategy would be subject to approval by the Minister for Planning. The stages of the Strategy review would include, background assessments of existing policies, background technical reports supporting townships strategies, planning scheme amendment. There will be public consultation built into some of these processes.

Funding for the review of the Garfield Strategy will be considered as part of the development of Council's 22/23 FY budget and 10-year program of works. The draft budget will be publicly displayed from mid-April to mid-May for community feedback. Council will consider this feedback prior to adopting the budget.

### **Conclusion**

Council has received a petition from the Garfield Action Group requesting that the Garfield Township Strategy be reviewed. Council officers note the concerns of the petitioners. All planning applications that pertain to land within the Garfield Township will be assessed in accordance with the existing framework of policy, zones and overlays, within the Cardinia Planning Scheme that provides guidance for new development within Garfield, to achieve appropriate development in the area thereby protecting the neighbourhood character.

The timing of the review of the Garfield Township Strategy will be considered during development of the draft Council budget 22/23 FY.